

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

The Turfgrass Group, Inc. and the University
of Georgia Research Foundation, Inc.

Plaintiffs,

v.

Carolina Fresh Farms, Inc. and Carolina Fresh
Farms, LLC f/k/a Carolina Fresh Farms, Inc., and
John A. Fogle, Sr.,

Defendants,
Third-Party Plaintiffs,

v.

Zelotis Wofford and Billy Self,

Third-Party Defendants.

Civil Action No. 5:10-cv-00849-TLW-PJG

**MOTION TO CONTINUE HEARING
ON BEHALF OF SOD ATLANTA,
INC., AND NORTH GEORGIA TURF,
INC.**

On November 24, 2011, the undersigned counsel filed two (2) Motions to Quash Subpoenas issued to Sod Atlanta, Inc., and North Georgia Turf, Inc., on behalf of the Defendants. (ECF # 105 and 106). On December 2, 2011, this court issued a Notice of Hearing on both motions, which is scheduled for December 15, 2011, beginning at 9:30 a.m. (ECF #108). On December 12, 2011, Defendants filed their Response and the notice of filing indicated the movants would have until December 22, 2011, to file a Reply.

In reviewing the Return, the movants and the undersigned counsel desire to assert their right to timely file a Reply addressing factual and legal allegations set forth in the Return. The undersigned desire the opportunity to submit Replies to have a full record before the court for consideration when ruling on the issues.

The undersigned, therefore, move this court for an Order continuing the motion hearings until after December 22, 2011, to allow Reply briefs to be timely filed.

Pursuant to Local Civil Rule 7.02, local counsel consulted with counsel for the Defendant who does not object to the request, except to the extent that affidavit testimony or new evidence is submitted to support the positions initially set forth in the motions.

Respectfully submitted this 14th day of December, 2011.

RILEY POPE & LANEY, LLC

s/Damon C. Wlodarczyk

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District Court #9487

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